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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Federal National Mortgage Association,
10 Plaintiff,

No. CV11-01227-PHX-DGC

ORDER

11 vs.

12 Marshall E. Home; Independent Rights
13 Party,
14 Defendants.

15 Plaintiff Federal National Mortgage Association (“Fannie Mae”) brought its
16 complaint (Doc. 1) after Defendants Marshall E. Home and Independent Rights Party
17 used the name “Federal National Mortgage Association” to execute special warranty
18 deeds transferring a number of Fannie Mae-owned properties to Defendants. On
19 September 22, 2011, the Court entered default judgment against Defendants on all seven
20 counts, found Plaintiff entitled to statutory damages in the amount of \$141,200, entered a
21 permanent injunction against Defendants, invalidated the special warranty deeds filed by
22 Defendants, and cancelled Home’s registration of the trade name “Federal National
23 Mortgage Association” with the Arizona Secretary of State. Doc. 50. The Court granted
24 Plaintiff’s request to seek attorneys’ fees in accordance with Local Rule of Civil
25 Procedure 54.2. *Id.* at 5.

26 Plaintiff has filed a motion for attorneys’ fees and costs. Doc. 51. No response
27 has been filed, and the time for filing one has passed. *See* LRCiv 54.2(b)(3).
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1 Plaintiff seeks \$70,192.50 in attorneys' fees and \$1,219.00 in costs against
2 Defendants pursuant to A.R.S. § 33-420(A). That section provides:

3 A person purporting to claim an interest in, or a lien or encumbrance
4 against, real property, who causes a document asserting such claim to be
5 recorded in the office of the county recorder, knowing or having reason to
6 know that the document is forged, groundless, contains a material
misstatement or false claim or is otherwise invalid is liable to the owner or
beneficial title holder of the real property . . . reasonable attorney fees and
costs of the action.

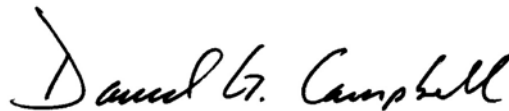
7 A.R.S. § 33-420(A).

8 Given the default judgment against Defendants on all counts in the complaint,
9 including count three which alleged Defendants' wrongful efforts to claim an interest in
10 and purport to hold title to the property evidenced by the special warranty deeds in
11 violation of A.R.S. § 33-420(A), Plaintiff clearly is entitled to a fee award under that
12 section. *See Allied Mortg. Group, Inc. v. Peter Strojnik, P.C.*, No. CV-08-0376, 2009
13 WL 2581400 at *5 (Ariz. App. Aug. 20, 2009). Having reviewed Plaintiff's supporting
14 memorandum (Doc. 51, at 3-11) and counsel's declaration and statement of fees and
15 costs (Docs. 51-1, 51-2, 51-3), the Court finds the requested fees and costs to be
16 reasonable and appropriate.

17 **IT IS ORDERED:**

- 18 1. Plaintiff's motion for attorneys' fees and costs (Doc. 51) is **granted**.
19 2. Plaintiff is awarded attorneys' fees in the amount of **\$70,192.50** and costs
20 in the amount of **\$1,219.00**.

21 Dated this 3rd day of January, 2012.

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David G. Campbell
United States District Judge
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